Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of Sections 3(n) and 332 of the Communications Act	)	GN Docket No. 93-252
	)	
Regulatory Treatment of Mobile Services	)	

COMMENTS OF THE ILLINOIS VALLEY CELLULAR RSA 2 PARTNERSHIPS

The Illinois Valley Cellular RSA 2 Partnerships (the "IVC Partnerships"), by their attorneys, hereby submit their Comments on certain interconnection and equal access-related issues framed in the Notice of Proposed Rulemaking (the "NPRM") issued in this proceeding.

I. The IVC Partnerships' Interest in the Proceeding

The IVC Partnerships are Illinois Valley Cellular RSA 2 Partnerships are comprised of Illinois Valley Cellular RSA 2-I Partnership, Illinois Valley Cellular RSA 2-II Partnership and Illinois Valley Cellular RSA 2-III Partnership, the Frequency Block B licensees in Illinois sub-RSAs 2(B-1), 2(B-2) and 2(B-3), respectively. As such, the IVC Partnerships will be subject to the rules promulgated in this proceeding. Of particular concern to the IVC Partnerships is the NPRM's request for comment on:

> whether we should require commercial mobile service providers to provide interconnection to other mobile service providers. . .[and] whether any or all classes of PCS service providers of commercial mobile service should be subject to equal access obligations like those imposed on LECs.[1]

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[1] See NPRM at para. 71.

II. No Justification Exists for Imposing Interconnection Obligations Upon Cellular Carriers

A. Analysis of the Proposal Requires a Definition of the Interconnection Concept

The NPRM offers no guidance on what is meant by the concept of requiring commercial mobile service carriers to provide interconnection to other mobile service providers other than to suggest that equal access may be included. Thus, any effort by the IVC Partnerships and other parties to analyze and comment on the concept is hindered. The IVC Partnerships interpret the interconnection concept as possibly including the imposition of mandatory switch sharing, equal access and other forms of compelled interconnection into cellular carrier systems. As shown below, no need exists for mandating general interconnection requirements upon cellular carriers, nor does any need exist for imposing equal access requirements upon such carriers.

B. No Justification Exists for FCC Imposition of Interconnection Requirements, Including an Equal Access Requirement, Upon Cellular Carriers

The state of competition in the cellular industry does not dictate imposition of either a mandatory interconnection requirement or an equal access requirement. Unlike monopoly local exchange telephone companies, many of which are now subject to competitive special access collocation requirements,[2/] and virtually all of which are subject to equal access requirements, vigorous facilities-based cellular competition exists in virtually

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[2/] See Sections 64.1401 and 64.1402 of the Commission's Rules.

every market, including Illinois RSA 2. Further, even more competition to cellular services will soon come to the marketplace in the form of Enhanced Specialized Mobile Radio and Person Communications Service. Cellular carriers are in no position to leverage control over facilities essential to competition or to discriminate or otherwise thwart competition. Therefore, no justification exists for imposing classic remedies -- mandatory interconnection and/or an equal access requirement -- for a problem that does not exist.

Insofar as a mandatory equal access requirement is concerned, it should be noted that many cellular carriers offer their customers long distance services via resale. Where cellular carriers are engaged in long distance resale, the profits, if any, are critical in defraying the large operational costs in implementing cellular service. Further, cellular provision of equal access is technically difficult and, in the case of some cellular switching equipment which is widely used in the industry, impossible. Finally, the concept of cellular equal access also entails a host of regulatory issues, such as cellular access charges and the regulatory treatment of calls handled by cellular carriers on their own (as opposed to interexchange carrier) wide-area, multiple MSA/RSA systems, the resolution of which will be protracted and expensive. For these reasons, the IVC Partnerships submit that any benefits that might flow from requiring cellular equal access, even if possible, are far outweighed by the potential

burdens upon state and federal regulators, cellular carriers and their customers, and the interexchange carriers.

Any consideration of an issue with the complexity and ramifications of cellular equal access should be handled in the pending petition for rulemaking proceeding initiated by MCI Telecommunications Corporation ("MCI").[3/] The proceeding initiated by MCI is not subject to the exceedingly tight deadlines imposed by Congress in the instant proceeding.

Conclusion

The NPRM's lack of articulation of what is meant by mandatory interconnection into commercial mobile service provider facilities hinders meaningful analysis and discussion of the concept. To the extent that the concept, as applied to the cellular industry, connotes mandatory switch sharing and/or equal access, it is a remedy in search of a problem. The state of competition in the cellular industry, both facilities-based and through resale, is

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3/ Policies and Rules Pertaining to the Equal Access Obligations of Cellular Carriers, RM-8012.

such that no reason exists for imposing unnecessary and burdensome interconnection or equal access requirements.

Respectfully submitted,

THE ILLINOIS VALLEY CELLULAR
RSA 2 PARTNERSHIPS

By: 

Richard M. Tettelbaum
Gurman, Kurtis, Blask & Freedman,
Chartered
1400 16th Street, N.W., Suite 500
Washington, D.C. 20036
(202) 328-8200

Their Attorneys

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CERTIFICATE OF SERVICE

I, Richard M. Tettelbaum, an attorney in the law offices of Gurman, Kurtis, Blask and Freedman, Chartered, do hereby certify that I have on this 8th day of November, 1993, had copies of the foregoing "COMMENTS OF THE ILLINOIS VALLEY CELLULAR RSA 2 PARTNERSHIPS" delivered by hand, to the following:

John Cimko, Chief
Mobile Services Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Room 644
Washington, D.C. 20554

Richard Shiben, Chief
Land Mobile and Microwave Division
Private Radio Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 5202
Washington, D.C. 20554

Richard M. Tettelbaum